

**APPENDIX 13-7  
DEFENDANTS' PROPOSED VERDICT FORM**

**REVISED NOVEMBER 9, 2023**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

<b>KRAFT FOODS GLOBAL, INC., THE</b>	)	
<b>KELLOGG COMPANY, GENERAL</b>	)	
<b>MILLS, INC., and NESTLÉ USA, INC.,</b>	)	
<b>Plaintiffs,</b>	)	<b>No. 1:11-cv-08808</b>
	)	
<b>v.</b>	)	<b>Judge Seeger</b>
<b>UNITED EGG PRODUCERS, INC.,</b>	)	
<b>UNITED STATES EGG MARKETERS,</b>	)	
<b>INC., CAL-MAINE FOODS, INC., and</b>	)	
<b>ROSE ACRE FARMS, INC.</b>	)	
<b>Defendants.</b>	)	

**VERDICT FORM**

***Your answer to each question must be unanimous.***

1. **Do you find that there was a conspiracy to restrict the supply of eggs consisting of (1) the United Egg Producers (UEP) Certified Program, (2) recommended short-term supply measures, and (3) United States Egg Marketers (USEM) exports?**

**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

*If you answered “YES” to Question 1, proceed to Question 2 on the next page. If you answered “NO” to Question 1, do not answer any further questions, have your foreperson sign the last page of the verdict sheet, and notify the courtroom deputy that you have completed your deliberations.*

2. Do you find that the following companies participated in the conspiracy to restrict supply referenced in Question 1?

(a) In 1998:

	Yes	No
Cal-Maine Foods		
Michael Foods Inc.		
Moark		
Rose Acre Farms		
United Egg Producers		
United States Egg Marketers		
Wabash Valley		

(b) In 1999:

	Yes	No
Cal-Maine Foods		
Michael Foods Inc.		
Moark		
Rose Acre Farms		
United Egg Producers		
United States Egg Marketers		
Wabash Valley		

(c) In 2000:

	Yes	No
Cal-Maine Foods		
Michael Foods Inc.		
Moark		
Rose Acre Farms		
United Egg Producers		
United States Egg Marketers		
Wabash Valley		

**(d) In 2001:**

	<b>Yes</b>	<b>No</b>
Cal-Maine Foods		
Michael Foods Inc.		
Moark		
Rose Acre Farms		
United Egg Producers		
United States Egg Marketers		
Wabash Valley		

**(e) In 2002:**

	<b>Yes</b>	<b>No</b>
Cal-Maine Foods		
Michael Foods Inc.		
Moark		
Rose Acre Farms		
United Egg Producers		
United States Egg Marketers		
Wabash Valley		

**(f) In 2003:**

	<b>Yes</b>	<b>No</b>
Cal-Maine Foods		
Michael Foods Inc.		
Moark		
Rose Acre Farms		
United Egg Producers		
United States Egg Marketers		
Wabash Valley		

**(g) In 2004:**

	<b>Yes</b>	<b>No</b>
Cal-Maine Foods		
Michael Foods Inc.		

Moark		
Rose Acre Farms		
United Egg Producers		
United States Egg Marketers		
Wabash Valley		

**(h) In 2005:**

	<b>Yes</b>	<b>No</b>
Cal-Maine Foods		
Michael Foods Inc.		
Moark		
Rose Acre Farms		
United Egg Producers		
United States Egg Marketers		
Wabash Valley		

**(i) In 2006:**

	<b>Yes</b>	<b>No</b>
Cal-Maine Foods		
Michael Foods Inc.		
Moark		
Rose Acre Farms		
United Egg Producers		
United States Egg Marketers		
Wabash Valley		

**(j) In 2007:**

	<b>Yes</b>	<b>No</b>
Cal-Maine Foods		
Michael Foods Inc.		
Moark		
Rose Acre Farms		
United Egg Producers		
United States Egg Marketers		
Wabash Valley		

**(k) In 2008:**

	<b>Yes</b>	<b>No</b>
Cal-Maine Foods		
Michael Foods Inc.		
Moark		
Rose Acre Farms		
United Egg Producers		
United States Egg Marketers		
Wabash Valley		

*If you answered “YES” to Question 1 and any part of Question 2(a), 2(b), 2(c), 2(d), 2(e), 2(f), 2(g), 2(h), 2(i), 2(j) or 2(k), proceed to Question 3 on the next page. If you answered “NO” to Question 2(a), 2(b), 2(c), 2(d), 2(e), 2(f), 2(g), 2(h), 2(i), 2(j) and 2(k), do not answer any further questions, have your foreperson sign the last page of the verdict sheet, and notify the courtroom deputy that you have completed your deliberations.*

**3. Do you find that every egg producer who joined the Certified Program through 2008 (whether or not a member of UEP) participated in the conspiracy to restrict supply referenced in Question 1?**

**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

*If you answered “YES” to Question 3, proceed to Question 4 on the next page. If you answered “NO” to Question 3, do not answer any further questions, have your foreperson sign the last page of the verdict sheet, and notify the courtroom deputy that you have completed your deliberations.*

4. Do you find that the Plaintiffs proved the existence of one relevant product market consisting of all shell eggs and all egg products?

YES \_\_\_\_\_ NO \_\_\_\_\_

*If you answered “YES” to Question 4, proceed to Question 6 on the next page. If you answered “NO” Question 4, do not answer any further questions, have your foreperson sign the last page of the verdict sheet, and notify the courtroom deputy that you have completed your deliberations.*

5. Do you find that the conspiracy imposed an unreasonable restraint on trade from and after August 2005-2008 [or 2012, if applicable] in a relevant market that consists of all shell eggs and all egg products?

Year	Yes	No
August-December, 2005		
2006		
2007		
2008		

[add 2009-2012 if “tail” period is in issue]

*If you answered “YES” to Question 5, proceed to Question 6 on the next page. If you answered “NO” to Question 5, do not answer any further questions, have your foreperson sign the last page of the verdict sheet, and notify the courtroom deputy that you have completed your deliberations.*

6. Do you find that the conspiracy restricted the supply of shell eggs and that the restriction caused an increase in the price of egg products, which thereby injured the below companies in any of the following periods:

	Yes	No
<b>Kraft Foods Global, Inc.</b>		
<b>In August – December 2005</b>		
<b>In 2006</b>		
<b>In 2007</b>		
<b>In 2008</b>		

[add years 2009-2012 if “tail period” is in issue]

	Yes	No
<b>The Kellogg Company</b>		
<b>In August – December 2005</b>		
<b>In 2005</b>		
<b>In 2006</b>		
<b>In 2007</b>		
<b>In 2008</b>		

[add years 2009-2012 if “tail period” is in issue]

	Yes	No
<b>General Mills, Inc.</b>		
<b>In August – December 2005</b>		
<b>In 2006</b>		
<b>In 2007</b>		
<b>In 2008</b>		

[add years 2009-2012 if “tail period” is in issue]

	Yes	No
<b>Nestlé USA, Inc.</b>		
<b>In August – December 2005</b>		
<b>In 2005</b>		
<b>In 2006</b>		
<b>In 2007</b>		
<b>In 2008</b>		

[add years 2009-2012 if “tail period” is in issue]

*If you answered all of Question 6, your deliberations on issues of liability are now complete. Please sign the line on the last page and advise the courtroom deputy that the jury has reached a unanimous verdict.*

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**JURY FOREPERSON**

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**DATE**